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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,955	01/15/2004	Carl G. Matson	7572-P	3275

7590 06/30/2005

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EXAMINER

KERSHTEYN, IGOR

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

5A

Office Action Summary	Application No.	Applicant(s)	
	10/756,955	MATSON, CARL G.	
	Examiner	Art Unit	
	Igor Kershteyn	3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 7 is/are rejected.
- 7) ☒ Claim(s) 2-4,6,8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/15/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities:

In line 6, "said drum" should be --said drum-shaped housing--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Frost et al. (5,441,391).

In figures 3, 4, and 6, Frost et al. teach a fan comprising: a rigid, rotatable drum-shaped housing 30 having an interior and external circumference; rotatable propeller means 56 disposed within said housing interior for forcing air therethrough, motor means 84 within said housing interior for actuating said propeller means; and, rigid handle means 50 coupled to said drum for rolling the fan, wherein the motor means 84 is located near the fan bottom to stabilize and balance the fan.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Felter (4,239,459).

In figures 1 and 2, Felter teaches a fan 10 comprising: a rigid, rotatable drum-shaped housing 11 having an interior and external circumference; rotatable propeller means 21,22 disposed within said housing interior for forcing air therethrough, motor means 19 within said housing interior for actuating said propeller means; and, rigid handle means 43,44 coupled to said drum 11 for rolling the fan 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Felter (4,239,459) in view of Tuckerman et al. (5,616,172).

Felter teaches all the claimed subject matter except that he doesn't teach a recessed electrical plug to which electricity may be selectively applied after the fan is set up to operate the motor means.

Tuckerman et al. in figure 7, teaches a portable fan device 20 having a recessed electrical plug 90 to which electricity may be selectively applied after the fan device 20 is set up to operate the motor means (not numbered).

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Since Felter and Tuckerman are analogous art because they are from the same field of endeavor, that is the portable fan devices art, and because Felter does not specify how the fan device is connected to an electrical power, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to equip the fan of Felter with the recessed electrical plug as taught by Tuckerman et al. for the purpose of connecting the fan to an electrical power supply.

Allowable Subject Matter

Claims 2-4, 6, and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of two patents.

Jones (2,633,293) is cited to show a portable fan having a v-shaped stand connected to a housing by it's apex but fails to teach the stand comprising a handle.

Schlicker et al. (3,809,503) is cited to show a portable fan device having a stirrup comprising a handle and a support but fails to teach the stirrup having a v-shape.

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Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK
June 24, 2005

A handwritten signature in black ink, appearing to read 'Igor Kershteyn', is written over a horizontal line.

**Igor Kershteyn
Patent examiner.
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